



88077147

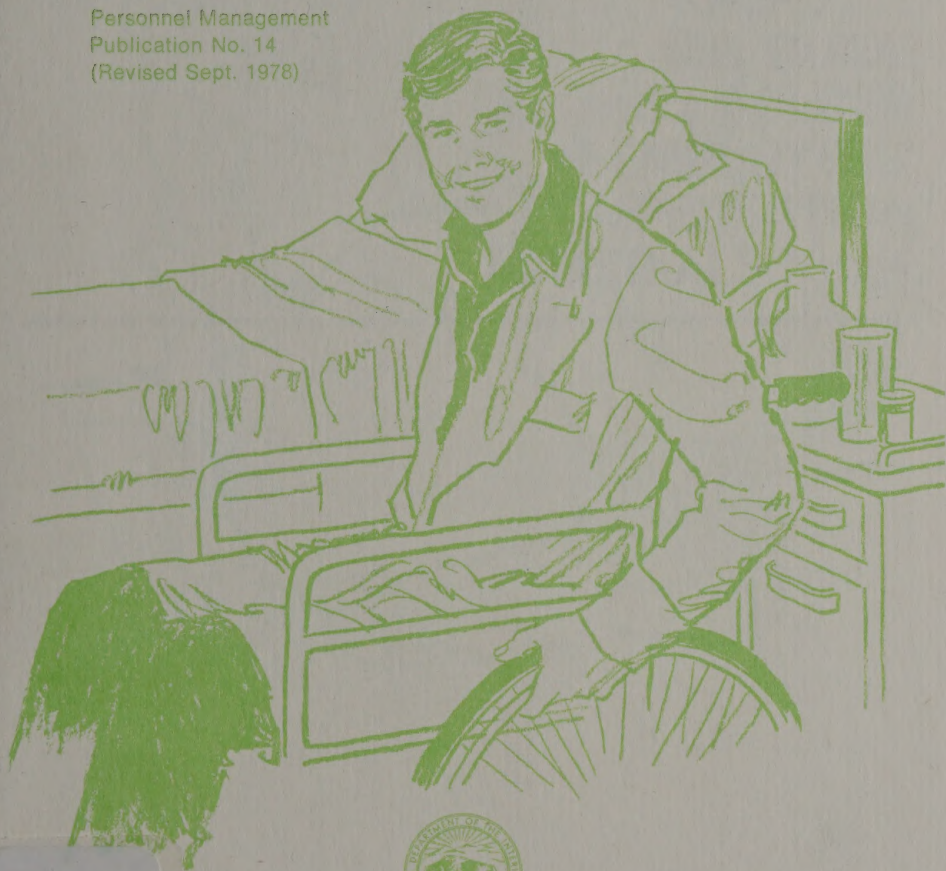
How to HELP the INJURED EMPLOYEE

A HANDBOOK FOR SUPERVISORS

Personnel Management

Publication No. 14

(Revised Sept. 1978)



UNITED STATES DEPARTMENT OF THE INTERIOR
THE ASSISTANT SECRETARY—POLICY, BUDGET, AND ADMINISTRATION
OFFICE OF PERSONNEL MANAGEMENT

JK
765
.I57
1978
c.2



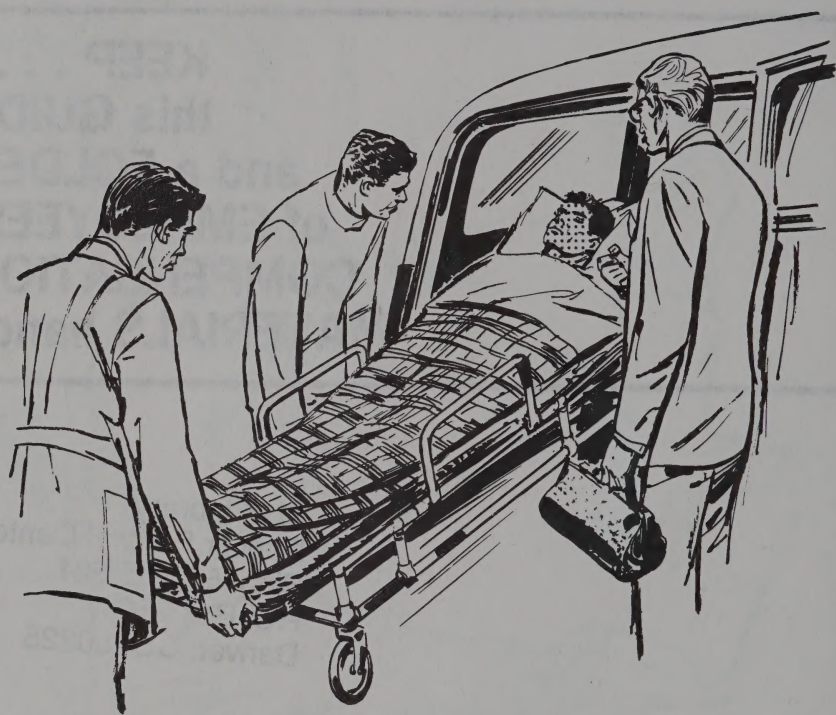
5826265

10:88077147

JK
765
o 757
1978
c.2

KEEP
this GUIDE
and a FOLDER
of EMPLOYEES'
COMPENSATION
MATERIALS handy

BLM Library
Denver Federal Center
Bldg. 50, QC-521
P.O. Box 25047
Denver, CO 80225



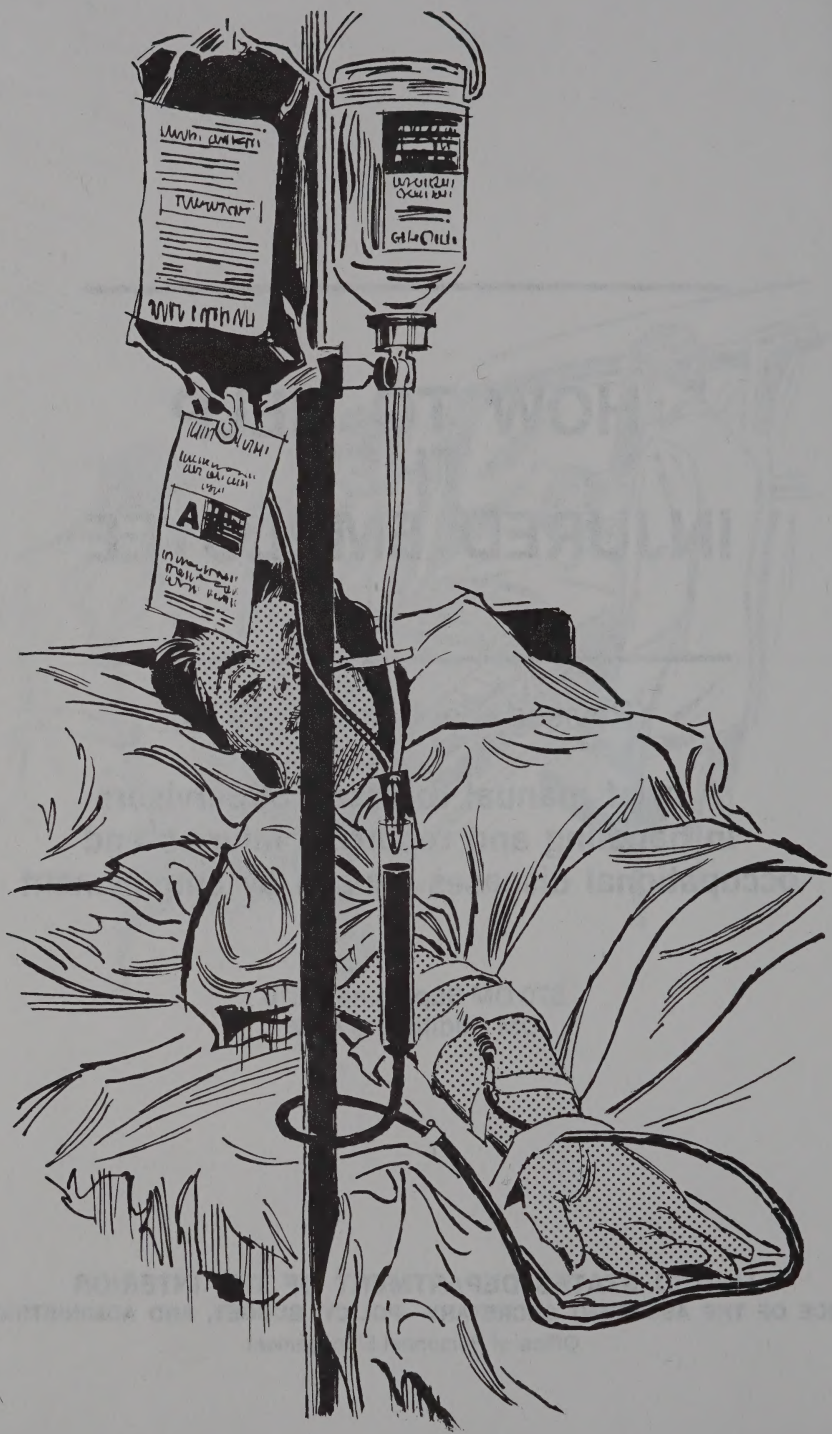
HOW TO HELP THE INJURED EMPLOYEE

(Revised September, 1978)

**A brief manual to assist Supervisors
in handling and reporting injuries and
occupational diseases caused by employment**

370 DM Supplement 810
DM Addition to FPM

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF THE ASSISTANT SECRETARY—POLICY, BUDGET, AND ADMINISTRATION
Office of Personnel Management



HOW TO HELP THE INJURED EMPLOYEE*

TABLE OF CONTENTS

	<i>Page</i>
I. <i>Narrative Section</i>	
A. Introduction -----	1
B. What You Should Know	
C. What You Should Do Immediately -----	2
D. Request for Treatment of Injury	
E. Employee's Notice of Injury -----	3
F. Occupational Disease	
G. Report of Accident Incident (DI-134)	
H. Official Superior's Report of Injury -----	4
I. File That Claim Promptly	
J. A Summary of Your Basic Responsibilities	
II. <i>Appendices</i>	
Appendix A—	
1. Minor Injury -----	5
2. Disability Lasting Not More Than 3 Days	
3. Disability Covered by Leave with Pay	
4. Disability Involving Compensation -----	6
5. Injury Requiring Emergency Medical Treatment -----	7
6. Recurring Disability	
7. Doubtful Compensable Disability -----	8
8. Certain Permanent Disabilities	
9. Hernia	
10. Injury Involving a Third Party -----	9
11. Death	
12. Occupational Disease	
Appendix B—Basic Forms -----	11
Appendix C—45-Day Continuation of Pay -----	17
Appendix D—OWCP District Offices -----	19
Appendix E—Questions and Answers -----	20

* Also refer to FPM Chapter 810, Injury Compensation

Foreword

THIS BOOKLET has been prepared as a simplified guide to procedures under the Federal Employees' Compensation Act which provides for medical care, compensation, and other benefits to Federal employees who are injured in the performance of their duties. It is intended to assist supervisors and others in processing notices of injury and claims for compensation and otherwise to guide employees who sustain work injuries or occupational diseases resulting from their employment.

It is important that supervisors be familiar with employees' rights and benefits under the Act because the benefits provided are not fully effective when reports of the injury or other necessary forms and documents are delayed or incompletely presented. The procedure for submitting the forms is not complicated but it is essential that the responsible persons know what to do when someone is injured on the job and in such cases this booklet should be helpful.

HOW TO HELP THE INJURED EMPLOYEE

- A. **Introduction.** This guide simplifies the procedures under the Federal Employee's Compensation Act which provides for medical care, compensation and other benefits to Federal employees who are injured in the performance of their duties. It is intended to assist supervisors and others in processing notices of injury and claims for compensation and otherwise to guide employees who sustain work injuries or occupational diseases resulting from their employment.

It is important that supervisors be familiar with employees' rights and benefits under the Act because the benefits provided are not fully effective when reports of the injury or other necessary forms and documents are delayed or incompletely presented. The procedure for submitting the forms is not complicated, but it is essential that the responsible persons know what to do when someone is injured on the job and in such cases this booklet should be helpful.

This guide outlines the procedures you must follow when one of your employees is injured on the job. Through narrative form, examples of typical cases, explanation of forms, and questions and answers, the following three steps are elaborated.

1. Assisting your employee in receiving immediate medical treatment.
2. Informing your employee about possible compensation benefits he/she may have.
3. Following up with the paperwork needed to protect your employees' rights.

B. **What You Should Know**

1. You and your employees should know that all work injuries and diseases resulting from employment are covered under the Federal Employees' Compensation Act (FECA), except injuries or death caused by willful misconduct of the employee, his/her intention to bring about the injury or death of himself/herself or another, or proximately caused by intoxication of the injured employee.
2. As a general rule, an employee who sustains a traumatic injury is eligible for continuation of pay (COP). A traumatic injury is a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time

and place of occurrence and member or function of the body affected, and be caused by a specific event or incident, or series of events or incidents, within a single day or work shift.

An employee who sustains an occupational disease or illness is *not* entitled to COP. These diseases and illnesses are distinguished from traumatic injuries in that such diseases and illnesses are produced by systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc. or other continued or repeated exposure to conditions of the work environment over a longer period of time. (ie., more than a single day or work shift).

3. An employee who sustains a disabling job-related traumatic injury may use sick or annual leave, or request continuation of regular pay for the period of disability not to exceed 45 calendar days. If disability continues beyond 45 calendar days, the bureau shall terminate regular pay and compensation is payable by the Department of Labor Office of Workers' Compensation Programs (OWCP). Have your timekeeper check the Timekeeper's Manual for proper coding of hours on the timecard under this provision. Temporary or intermittent employees who sustain traumatic injuries will receive continuation of pay, but the amount will be less than their regular check. These employees may wish to use accrued sick and/or annual leave in order to receive full compensation.
4. When disability results from an occupational disease, the Government is not authorized to continue the employee's pay. The employee may choose to use sick or annual leave or enter a leave-without-pay status and claim compensation from the OWCP.

- C. **What You Should Do Immediately.** Employees are entitled to immediate first aid and full medical care, including hospitalization, without cost to them. *The injured employee has the option to initially select a duly qualified physician or hospital or U.S. Government medical facility in the area.* (This is a change to the previous requirement of using a Government facility.) Generally speaking, 25 miles would be a reasonable distance to travel, but the means of and ability to obtain transportation and the time involved in travel should be taken into account. Should the employee wish to change original physicians, the OWCP must be contacted for approval.

Authorization for medical care in cases closed six months or longer must also come from OWCP.

- D. **Request for Treatment of Injury.** You are to complete Part A of Form CA-16, Request for Examination and/or Treatment, to make an official request.

If you have reason to believe your employee's injury was not sustained

at work, or if you have other doubts as to whether your employee should be treated, then you should check item 6B of this form. All items listed under 6B require OWCP approval. This will then provide your employee with limited medical services until the facts of the case can be fully evaluated.

- E. **Employee's Notice of Injury.** Impress on your employee that he/she make a record of this injury no matter how slight it appears. Request your employee to complete the employee's side of Form CA-1, Federal Employees' Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, in his/her own words, within two working days. Failure to do this could mean denial of your employee's claim. A representative may complete this form, if your employee is unable to do so. If the injury is very minor, if no medical treatment other than local first aid is required, and if your employee loses no time from work, send the completed Form CA-1 to your bureau OWCP representative, where it will be kept as a permanent record in the employee's Official Personnel Folder.

If the injury requires a medical expense, if time has been lost from work, or if some permanent residual of the injury is anticipated, the original of the Form CA-1 must be sent (with the supervisor's side completed) to your bureau OWCP representative who will forward it to OWCP. In this event, a copy of the Form CA-1 and other related documents go into the Official Personnel Folder. Note that medical attention such as that furnished by a bureau's health unit may be provided without incurring an expense. In such cases, where no time is lost and no permanency is expected, there has been medical attention but no medical expense, the Form CA-1 should be retained in the Official Personnel Folder.

Before Form CA-1 is filed or sent to your OWCP representative, you must complete Form DI-134, Report of Accident/Incident.

- F. **Occupational Disease.** A disease proximately caused by employment is considered to be a "nontraumatic injury." Most injuries are traumatic injuries; therefore, the instructions in this manual are oriented toward "traumatic injuries."

- G. **Report of Accident/Incident (DI-134).** After arrangements have been made for first aid or other medical care for your injured employee, or it has been determined that none is necessary, you, as supervisor, should investigate to determine exactly what happened to cause the accident and what can be done to avoid a similar occurrence. Record your findings on Form DI-134. This is a Departmental requirement. No work injury report will be considered complete without this signed form of your findings. Definite statements should be made to each question and

no question should remain blank. This completed form should be sent to your Safety Office.

H. **Official Superior's Report of Injury.** If it appears that the injury will be serious enough for a claim to be filed for medical expenses or compensation, you must complete the supervisor's side of Form CA-1. Pay particular attention to items 26 through 35. Briefly, complete the supervisor's side of Form CA-1 if:

1. There is to be any charge for medical expense.
2. Your employee will be away from his/her work beyond the day of the injury.
3. The injury is likely to result in future disability or permanent disability (including total or partial loss, or loss of use of a member or function of the body).
4. There is any serious disfigurement of your employee's face, head, or neck.
5. There is a recurrence of disability resulting from the original injury causing absence from duty. Original injury could be considered a pre-existing condition at the time of recurrence. If a specific event aggravates the condition, it is considered a new injury and therefore reported on a CA-1. Only when the trauma "flairs up" and cannot be related to a given event on the job, a CA-2a is completed.

I. **File That Claim Promptly.** If the disability is not likely to exceed three days, you can hold up the Form CA-1 until your employee has returned to work. Then fill in the date and hour your employee returned to work and send the form to your OWCP representative, who will forward it to OWCP. Of course, if you know that your employee will be disabled more than three days, send the form immediately. In any event, the Form CA-1 should be sent to your representative within ten days. Give your employee a fair chance to establish his/her claim.

J. **A Summary of Your Basic Responsibilities.** By following these few steps, you have met the requirements of the law. You have helped a fellow employee obtain care and compensation to which he/she is entitled. You have filled out the principal forms and, in effect, have protected your employee's rights. Just as important, you have noted what happened to your employee. You have taken the action necessary to prevent a recurrence, or if that is beyond your authority, you have recommended remedial measures to your superior. Thus, you have helped strengthen the safety program designed to STOP WORK INJURIES. You are working toward a solution to reduce completing these forms.

APPENDIX A

TYPICAL SITUATIONS

We have selected typical situations that we believe will be most valuable to you in your day-to-day experiences. When an unusual case arises, your OWCP representative should be contacted for more detailed regulations.

IN CASE OF:

DO THIS:

1. *Minor injury.* No medical treatment required—*no time lost.*

Have employee complete his/her portion of Form CA-1 as soon as possible. In every instance where a Form CA-1 is completed by the employee, you should complete the "Receipt of Notice of Injury" which is part of Form CA-1. This portion of the form is to be detached and given to the injured employee for his/her own records.

2. *Disability lasting not more than three days.* Injury requires treatment. *Time lost* is not more than three days.

Prepare Form CA-16, Request for Examination and/or Treatment for initial treatment. Send employee, with original and one copy of Form CA-16, to the physician or hospital of your employee's choice. The physician or hospital staff can forward this form, with the bill, directly to OWCP. Have your employee complete his/her portion of Form CA-1 within two working days. Prepare official supervisor's side of CA-1 after employee has returned to work.

If the employee needs to leave the work-site and go home for the remainder of the day—*no* leave of any type is charged. However, if the employee is unable to return to work the next day because of the injury—they may be placed on 45-calendar day continuation of pay.

3. *Disability covered by leave with pay.* Injury is fairly serious. An *extended period of absence* from duty will probably be required. Em-

Prepare Form CA-16 for initial treatment. Have employee prepare his/her portion of Form CA-1, or have it prepared for him/her within two working days. Prepare official superior's side of

IN CASE OF: (continued)

ployee has substantial sick leave to his/her credit. He/she may use annual and/or sick leave or 45-day continuation of pay. When the COP expires he/she may use annual leave and/or sick leave or elect compensation. Employees may buy back leave used after the COP expires.

DO THIS: (continued)

Form CA-1 and forward all forms prepared so far to your OWCP representative who will forward them to OWCP. Prepare Form CA-3, Report of Termination of Disability and/or Payment, upon employee's return to duty.

Using annual and/or sick leave provides the employee with an unusual benefit such as a tax break. If the employee needs to leave the work-site and go home for the remainder of the day—no leave of any type is charged. However, if the employee is unable to return to work the next day because of the injury—they may be placed on 45-calendar day continuation of pay.

-
4. *Disability involving compensation.* Employee does not have enough sick leave to cover period of his/her disability; or he/she elects to claim compensation benefits rather than use his/her leave. An employee who sustains a disabling, job-related traumatic injury is *entitled to continuation of regular pay for a period not to exceed 45 days*. The 45 days are interpreted as calendar days and if the employee has stopped work because of the disabling effects of the injury, the period starts at the beginning of the first full day on which the disability begins.

The correct form for claiming compensation in a traumatic injury case is Form CA-7, Claim for Compensation on Account of Injury or Occupational Disease. This Form should be used in all cases of traumatic injury, even where COP has not been paid. Prepare Forms CA-16 and CA-1, as in Case 3. Help your employee to prepare CA-7. Determine if he/she is eligible for continuation of health benefits enrollment (by calling your servicing personnel office) and make appropriate notation on Form CA-7. Prepare and forward these forms ten days after pay stops, or upon return to duty, whichever is earlier. It is important that the information be current as of the date the forms are signed and forwarded. If disability continues beyond the date Form CA-7 is filed, prepare and forward Form CA-8, Claim for Continuing Compensation on Account of Disability, every two weeks to continue compensation. Prepare Form CA-3 when the employee returns to duty. Make appropriate notation on Form CA-3 to cover health benefits enrollment.

(The first three calendar days of disability)

IN CASE OF: (continued)

-
5. *Injury requiring emergency medical treatment.* Employee's condition shows that he/she may be in danger and every minute counts.

-
6. *Recurring disability.* Employee returns to work after injury, following treatment and discharge. Later he/she complains of a recurrence of the disability.

DO THIS: (continued)

ity (after any entitlement to COP in a traumatic injury case) are "waiting days". The three days are withheld from the compensation payment and restored when compensation has been paid for fourteen days of accumulated wage loss.)

Secure prompt treatment. This is the most important thing. Call an ambulance if necessary. Rush the employee to the nearest medical facility. Prepare and forward Form CA-16 to the facility which will continue treatment, within two working days. Form CA-1 is required in every case; other forms may be necessary depending on the circumstances.

If not more than six months have elapsed since discharge, and if it is reasonable to assume that there is a connection between the prior injury and present complaint, prepare Form CA-16, mark it "Recurrence," and send employee, with the original of this form, to medical facility for treatment. If more than six months have elapsed, OWCP approval must be obtained before authorizing further treatment. Fill out Form CA-2a, Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation. Show clearly when employee stopped work following the recurrence and what part of the new absence is covered by leave. Show employee's current pay rate. Prepare Form CA-3, Report of Termination of Disability and/or Payment, when employee returns to duty unless date of return to duty was shown on Form CA-2a. Make appropriate health benefits notation on Form CA-3. If it has been more than six months since the apparent recovery, or if there is good reason to doubt that present disability is due to the injury, request instructions from your OWCP representative by memorandum,

IN CASE OF: (continued)

DO THIS: (continued)

or telephone stating all pertinent facts of the case.

In case of recurrent disability, where all 45 days of COP have not been used, any remaining COP may be used if the disability begins during a six-month period from the date the employee first returned to work following the initial disability. If the recurrence begins after the six months have expired, COP may not be paid, even though some of the 45 days may remain "unused". In such instances, the employee is entitled only to compensation payable by OWCP.

-
7. *Doubtful compensable disability.* Injury requires treatment, but there is some doubt as to whether circumstances of the injury would entitle employee to benefits under the Compensation Act. Prolonged treatment or extended disability is likely.

Check item 6B on Form CA-16. Send employee, with original of Form CA-16, to the medical facility. The facility will forward it, with its bill, to OWCP for approval. Prepare statement giving all facts and reasons for doubt as to compensability, attach this copy of Form CA-16 and forward immediately to your OWCP representative. Have employee prepare his/her portion of Form CA-1 within two working days. Prepare official superior's side of Form CA-1 and forward to your OWCP representative. Be guided, from this point, by advice received from your OWCP representative. If employee returns to duty before advice is received, prepare and forward Form CA-3 to your OWCP representative.

-
8. *Certain permanent disabilities.* Employee's injury resulted in loss, or loss of use, of some part of his body, or in disfigurement of face, head or neck.

Payment for functional loss or dismemberment of certain body parts are in addition to any payments for period of temporary total disability. These scheduled payments may be made even though the employee has returned to work. Employee completes Form CA-4 to make claim for this type of compensation; other forms will depend on circumstances in the case.

-
9. *Hernia.* Employee is suffer-

Prepare Form CA-16. Send employee,

IN CASE OF: (continued)

ing from hernia, which he/she believes is the result of heavy lifting done on the job. May require operation.

DO THIS: (continued)

with original of Form CA-16 to the medical facility. The facility will forward the Form CA-16 to OWCP. Prepare employee's portion of Form CA-1 within two working days. Prepare official superior's side of Form CA-1. From this point, other forms will depend on circumstances in the case.

-
10. *Injury involving a third party.* A laborer is injured by a truck belonging to a private company.

Prepare Form CA-16 and CA-1. Prepare detailed statement outlining all facts connected with the accident as far as you have been able to determine them, and attach to Form CA-1 for forwarding to your OWCP representative, who will send it to OWCP. Caution employees not to sign any papers which would release owners of the truck from possible legal liability. Prepare other forms, as necessary, according to future developments. All cases which may involve possible third-party liability should be so identified.

-
11. *Death.* Employee is killed outright or dies as a result of any injury in line of duty.

Notify your superior and your OWCP representative immediately, giving a brief account of what happened to the employee. Prepare Form CA-6. If death was immediate, complete lower portion only. If death followed earlier injury, show in upper portion exact period of absence prior to death and whether covered by leave. If beneficiary is eligible for continuance of health benefits coverage, note code number and beginning and ending dates of last pay period for which decedent was paid. A certified copy of the death certificate should be submitted as soon as possible and the autopsy report, if there is one. Furnish information to beneficiary regarding benefits of Compensation Act. Help in preparing compensation claim on Form CA-5. Forward all forms to your OWCP representative.

-
12. *Occupational disease.* Em-

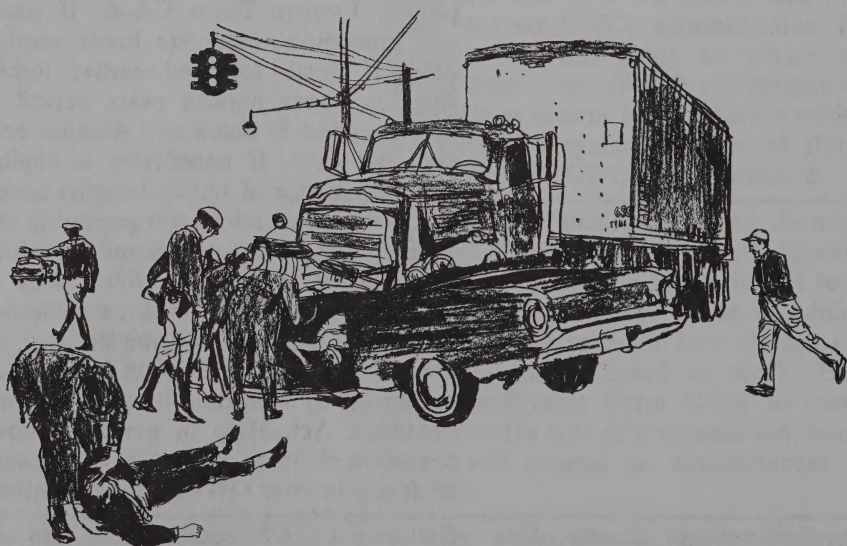
Call your OWCP representative who will

IN CASE OF: (continued)

ployee develops symptoms suggestive of occupational disease which he attributes to his work environment or exposure; or occupational disease is suspected for other reasons. (Some possible disease proximately caused by employment might be silicosis, tuberculosis brought on by silicosis, the effect of chemical poisoning, etc.)

DO THIS: (continued)

notify the medical director of the OWCP district office for instruction on authorizing examination or treatment. Have employee prepare his/her portion of Form CA-2. Advise employee that detailed information is usually necessary to establish a connection between a disease and occupational exposure. Tell employee to include a complete description of working conditions, length of exposure, hours worked, suspected-causative agents, substance or substances, date of first-recognizable symptoms, and any other facts bearing on his/her claim. Make a thorough investigation of the circumstances of the case, then prepare official superior's side of Form CA-2, basing it on your investigation. Cover all pertinent facts. Send Form CA-2 to your OWCP representative and be guided from this point by advice from your OWCP representative. If employee loses time from work but returns before advice is received, prepare Form CA-3 and forward to your OWCP representative.



APPENDIX B

BASIC FORMS

The purpose of this Appendix is to give brief instructions on the most important forms used in filing claims for workers' compensation under FECA.

FORM NO.	FORM TITLE	PURPOSE
CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/ Compensation	Notifies Official Superior (supervisor) of traumatic injury and furnishes the Official Superior's report to OWCP when (1) the employee has sustained a traumatic injury which is likely to result in any medical charge against the compensation fund; or if (2) the injured employee loses time from work on any day following the injury date—whether the time from work is charged to the leave record or the employee chooses to receive continuation of pay; (3) prolonged treatment is indicated—even if the treatment is received on off-duty hours; (4) disability for work may subsequently occur; (5) permanent disability appears likely; or (6) serious disfigurement of the face, head, or neck is likely to result.
CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation	Notifies supervisor of an occupational disease and furnishes the Official Superior's report to OWCP when (1) the disease is likely to result in any medical charge against the compensation fund; or if (2) the employee loses time from work on any day because of the disease—whether the time from work is charged to the leave record or the employee chooses to claim injury compensation; (3) prolonged treatment is indicated—even if the treatment is received on off-duty hours;

FORM NO.	FORM TITLE	PURPOSE
		(4) disability for work may subsequently occur; (5) permanent disability appears likely; or (6) serious disfigurement of the face, head, or neck is likely to result.
CA-2a	Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation	Notifies OWCP that an employee, after returning to work, is again disabled due to a prior injury or occupational disease previously reported. It also serves as a claim for continuation of pay or for compensation based on the recurrence of a previously reported disability.
CA-3	Report of Termination of Disability and/or Payment	Notifies OWCP that disability from injury has terminated and/or that continuation of pay has terminated and/or that employee has returned to work.
CA-4	Claim for Compensation on Account of Occupational Disease	Claims compensation for an occupational disease when injury results in (1) loss of pay for more than 3 days; or (2) permanent disability involving the total or partial loss, or loss of use of an extremity of the body (or hearing or vision), or certain other external or internal organs of the body or serious disfigurement of face, head, or neck; or (3) loss of wage-earning capacity. Claims augmented compensation based on a dependent.
CA-5	Claim for Compensation by Widow, Widower and/or Children	Claims compensation on behalf of these dependents when injury results in death.
CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren	Claims compensation for these dependents when injury results in death.
CA-6	Official Superior's Report of Employee's Death	Notifies OWCP of the employment-related death of an employee.

FORM NO.	FORM TITLE	PURPOSE
CA-7	Claim for Compensation on Account of Traumatic Injury	Claims compensation based on a traumatic injury if (1) medical evidence shows disability is expected to continue beyond 45 days and injury compensation is claimed after expiration of the period; or (2) the traumatic injury has resulted in permanent disability involving the total or partial loss, or loss of use of an extremity of the body (or hearing or vision) or certain other external or internal organs of the body or serious disfigurement of the face, head, or neck; (3) loss of wage-earning capacity. Also claims augmented compensation based on a dependent.
CA-8	Claim for Continuing Compensation on Account of Disability	Claims compensation when loss of pay continues beyond the time covered by the claim on Form CA-4 or CA-7.
CA-16	Request for Examination and/or Treatment	Authorizes an injured employee to obtain examination and/or treatment at the employee's option from a U.S. medical officer or hospital if available or—from any duly qualified local physician (or surgeon, osteopath, podiatrist, dentist, clinical psychologist, optometrist, or, with certain limitations, chiropractor) or hospital. May also be used for illness or disease if prior approval is obtained from OWCP. Provides OWCP with initial medical report and physician or medical facility with billing form. It should be noted that the injured employee has only the initial option to select a physician or hospital of his/her choice.
CA-17	Duty Status Report	In traumatic injury cases, provides supervisor and OWCP with brief interim medical statement containing information as to employee's ability to return to any type of work.

FORM NO.	FORM TITLE	PURPOSE
CA-20	Attending Physician's Report	Provides medical support of claim and is attached to Form CA-4 and CA-7; provides OWCP with medical information.
CA-20a	Attending Physician's Supplemental Report	Provides OWCP with additional medical information in connection with supplemental claim filed on attached Form CA-8.

PREPARED BY	WHEN SUBMITTED	COMPLETED FORM SENT TO
Employee or someone acting on employee's behalf; witness (if any), supervisor	By employee within 2 working days but will meet statutory time requirements if filed no later than 3 years after the injury; by supervisor, within 2 working days following receipt of the COP CA-1 form from the employee.	Supervisor, by employee or someone acting on employee's behalf; then to the bureau OWCP representative.
Employee or someone acting on employee's behalf; witness (if any), supervisor	Within 30 days but will meet statutory time requirements if filed no later than 3 years after the injury; by supervisor immediately after receipt of the form from the employee.	Supervisor, by employee or someone acting on employee's behalf; then to the bureau OWCP representative.
Supervisor	Immediately upon receiving notice that the employee has suffered a recurrence. When the employee stops work as a result of recurring disability, the employee shall advise the supervisor whether he/she wishes to continue to receive regular pay provided qualifications are met or charge the absence to sick or annual leave.	Bureau OWCP representative.
Supervisor	Immediately after the disability or continuation of pay termi-	Bureau OWCP representative.

PREPARED BY	WHEN SUBMITTED	COMPLETED FORM SENT TO
	nates, or the employee returns to work.	
Employee or someone acting on employee's behalf; supervisor, and attending physician (on attached Form CA-20)	In case of prolonged disability due to occupational disease, the form may be submitted without delay after pay stops. In cases of limited disability it is to be submitted 10 days after pay stops or when the employee returns to work if the disability is less than 10 days and pay was lost for more than 3 days.	Supervisor, by employee or someone acting on employee's behalf; then to the bureau OWCP representative.
Person claiming compensation (or guardian on behalf of children) and attending physician	Within 30 days, if possible, but not later than 3 years after death. If the death resulted from an injury for which a disability claim was timely filed, the time requirements for filing death claim have been met.	Supervisor, by claimant or someone acting on claimant's behalf; then to bureau OWCP representative.
Person claiming compensation (or guardian on behalf of children) and attending physician	Within 30 days, if possible, but not later than 3 years after death. If the death resulted from an injury for which a disability claim was timely filed, the time requirements for filing death claim have been met.	Supervisor, by claimant or someone acting on claimant's behalf; then to bureau OWCP representative.
Supervisor	Immediately upon knowledge by supervisor of the employment-related death of an employee.	Bureau OWCP representative.
Employee or someone acting on employee's behalf; supervisor, and attending physician (on attached Form CA-20)	In case of traumatic injury, the form must be completed and filed with OWCP not more than 5 working days after the termination of the 45 days.	Supervisor, by employee or someone acting on employee's behalf; then to bureau OWCP representative.
Employee or someone acting on employee's behalf; supervisor, and	Each two weeks after filing of Form CA-4 or CA-7.	Supervisor, by employee or someone acting on employee's behalf;

PREPARED BY	WHEN SUBMITTED	COMPLETED FORM SENT TO
attending physician (on attached Form CA-20a)		then to bureau OWCP representa- tive.
Part A—Super- visor	Part A—By supervisor, in dupli- cate, within 48 hours following first examination and/or treat- ment.	Part A—Physician or medical facility.
Part B—Attending Physician	Part B—By attending physician or medical facility as promptly as possible after initial exami- nation.	Part B—OWCP office.
The supervisor and the attending physician	Promptly upon completion of examination or most recent treatment.	Orig to bureau OWCP rep; cy to OWCP office.
The supervisor and the attending physician	Promptly upon completion of examination or most recent treatment.	OWCP office.
The supervisor and the attending physician	Promptly upon completion of examination or most recent treatment.	OWCP office.



APPENDIX C

45-DAY CONTINUATION OF PAY

For a regular full-time or part-time employee who works the same number of hours each week, the weekly pay rate will be equal to the number of hours regularly worked each week times the hourly pay rate on the date of injury, exclusive of overtime. In other words, the employee will receive the same basic pay rate as he/she was receiving at the time of the injury.

For a regular part-time employee who does not work the same number of hours per week, the weekly pay rate will be the average weekly earning for that employee for the 1-year period before the date of injury, exclusive of overtime.

For an irregular tour of duty or WAE (intermittent), employee who is not a part of the bureau's regular full- or part-time work force, the weekly pay rate will be the average of the employee's weekly earnings during the 1-year before the injury, but must not be less than 150 times the average daily wage earned within 1-year before the date of injury. (The daily wage rate shall be the hourly rate times eight.) Premium, night, or shift differential; Sunday or holiday pay; or other extra pay should be included in all instances; however, overtime pay must not in any instance (i.e., either regularly or irregular employment) be made a part of the continuation of pay.

The bureau will, on the basis of the information submitted by the employee or obtained on investigation, dispute this claim and stop the employee's pay if the claim falls into one or more of the categories listed below. In all other cases, the bureau may dispute the claim; however, the employee's regular pay will not be interrupted during the 45-day period unless sustained by the OWCP.

The bureau will dispute the claim and terminate pay only if:

- (a) The disability is a result of an occupational disease or illness; or
- (b) The employee falls within the definitions of 5 U.S.C. 8101(1)(B) or (E); (i.e., persons who render personal service to the United States similar to civil officers and employees of the United States, but who work without pay or for nominal pay. These persons generally are not carried in a regular continuing pay status and they frequently serve as consultants, volunteers, or contract employees).
- (c) The employee is neither a citizen nor resident of the United States or Canada (i.e., a foreign national employed outside of the United States or Canada); or
- (d) The injury occurred off the bureau's premises and the employee was not involved in official "off premise" duties; or
- (e) The injury was caused by the employee's willful misconduct; the employee intended to bring about the injury or death of himself

- or another person; or the employee's intoxication was the proximate cause of the injury; or
- (f) The injury was not reported on Form CA-1, within 30 days following the injury; or
 - (g) Work stoppage first occurred six months or more following the injury; or
 - (h) The employee initially reports the injury after his/her employment has terminated; or
 - (i) The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, YACC, Work Study Program, or other similar group.

Whenever persons listed above are otherwise entitled to compensation, but are excluded from continuation of pay for the 45-day period, their entitlement to FECA compensation payments will begin from the date of pay loss, subject to other applicable sections of the FECA.

The bureau may dispute a claim by completing the indicated portion of Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation; and submitting detailed information in support of the objection to the OWCP.

When pay is continued after the employee stops work because of a disabling injury, it must not be interrupted until:

- (a) The bureau receives medical information from the attending physician to the effect that the employee is no longer disabled; or
- (b) The bureau receives notification from the OWCP that pay should be terminated; or
- (c) At the expiration of 45 days.

The 45 days are interpreted as calendar days and if the employee has stopped work because of the disabling effects of the injury, the period starts at the beginning of the first full day or first full shift on which the disability begins (the bureau will keep the employee in a pay status for any fraction of a day or shift on which the disability begins with no charge to the 45-day period). If the employee stops work for only a portion of a day or shift (other than the day or shift disability begins), that day or shift will be considered as one calendar day. If the employee is not immediately disabled as a result of the injury, the 45 days will begin on the first full day or the first full shift when disability begins. (45 days Continuation of Pay must be used within six months of the date of injury.)

When pay is continued at a rate determined by OWCP to be incorrect, OWCP will notify the bureau of the correct pay rate, and the bureau will make the necessary adjustment. Where pay is continued, the Service may require medical evidence, using Form CA-17, Duty Status Report, as often as circumstances indicate.

APPENDIX D

The Office of Workers' Compensation Programs district offices, which adjudicate the claims arising within the areas of their respective jurisdictions, are:

Location	Jurisdiction
Boston, Mass. 02109 -----	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
New York, N.Y. 10036 -----	New Jersey, New York, Puerto Rico, and Virgin Islands
Jacksonville, Fla. 32202 -----	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee
New Orleans, La. 70130 -----	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas
Cleveland, Ohio 44199 -----	Indiana, Michigan, and Ohio
Chicago, Ill. 60604 -----	Illinois, Minnesota, and Wisconsin
Kansas City, Mo. 64106 -----	Iowa, Kansas, Missouri, and Nebraska
Denver, Colo. 80202 -----	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming
San Francisco, Cal. 94102 ----	Arizona, California, and Nevada
Seattle, Wash. 98101 -----	Alaska, Idaho, Oregon, and Washington
Honolulu, Hawaii 96815 -----	All land and water areas west of the continents of North and South America to the 60th degree east longitude (excluding Iran)
Washington, D.C. 20211 -----	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia, plus Canada, Mexico, Central and South America, and all land and water areas east of the continents of North and South America to the 60th degree east longitude (including Iran but excluding Puerto Rico and Virgin Islands)

APPENDIX E

QUESTIONS & ANSWERS CONCERNING BENEFITS OF THE FEDERAL EMPLOYEES' COMPENSATION ACT (FECA)

This Appendix contains questions and answers frequently arising about the FECA.

1. What is the Federal Employees' Compensation Act?

This is a workers' compensation law that provides compensation benefits to civilian employees of the United States for disability due to personal injury sustained while in the performance of duty or due to employment-related disease. The term "injury" also includes damage to or destruction of medical braces, artificial limbs, and other prosthetic devices which shall be replaced or repaired, and such time lost while such device is being replaced or repaired is compensable. The act also provides for the payment of benefits to dependents if the injury or disease causes the employee's death.

2. Are eyeglasses and hearing aids included in the term "injury"?

If the damage to the eyeglasses or hearing aid is incidental to a personal injury on the job requiring medical services, then they too would be included in the term "injury" and will be repaired or replaced, and such time lost while these are being repaired or replaced is compensable.

3. Who administers the FECA?

The act is administered by the Office of Workers' Compensation Programs (OWCP), U.S. Department of Labor, through district offices located throughout the United States. Each employing agency has the district office address which services its geographic area.

4. Are all work injuries covered under the FECA?

All personal injuries sustained by civilian employees of the United States while in the performance of duty and disease proximately caused by the employment are covered. Coverage is also provided for injury or disease incurred by civilian employees of the United States while serving on a Federal grand or petit jury. Benefits cannot be paid if the injury or death is caused by willful misconduct of the injured employee or by his/her intention to bring about the injury or death of oneself or another, or if intoxication of the injured employee is the proximate cause of the injury or death.

5. Is it necessary to report a minor injury which occurs at work, like a scratched finger or bumped knee?

Yes. All injuries should be reported. Many times a so-called minor

injury develops into a serious, complicated condition. For the protection of the employee, he or she should file a report of the injury with the immediate supervisor when it occurs.

6. Is there a specific form to be used for reporting an injury?

Form CA-1 "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" is the official form to use when reporting a traumatic injury. Form CA-2 "Federal Employee's Notice of Occupational Disease and Claim for Compensation" is the official form to use when reporting an occupational disease. The forms may be obtained from the employing agency or from the OWCP. Each form has attached instructions for its completion.

7. May someone complete the notice of injury for an employee who is unable to complete it at the time the injury occurs?

Yes. Forms CA-1 and CA-2 may be completed by another person, including the supervisor, acting on behalf of the injured employee. The forms should be completed and signed by the person making the report. Form CA-1 should then be given to the supervisor within 2 working days following the injury. Form CA-2 should be filed promptly, within 30 days following the injury.

8. If a pre-existing condition is aggravated by factors of employment, does the employee have coverage under the FECA?

Yes. Provided it is established by factual and medical evidence that the employment aggravated the pre-existing condition.

9. Is a recurrence of an employment-related disability covered by the FECA?

Yes. If an injured employee is again disabled as a result of the original injury or occupational disease, there is coverage under the FECA. The recurrence should be reported to the employing agency or to the OWCP.

10. Are all employment-related diseases and illnesses covered under the FECA?

All diseases and illnesses proximately caused or aggravated by the employment are covered. However, the burden of proof is on the claimant to establish by medical and factual evidence, that the employment caused or aggravated the disease.

11. Is an injured employee entitled to medical care, and if so, how is it obtained?

If the injury was sustained in the performance of duty, the employee is entitled to first aid and medical care, including hospitalization, without cost. When needed, the employee should request the supervisor to authorize necessary treatment.

12. Can the injured employee choose the physician who will provide treatment?

An injured employee may use available government medical facilities or, at the employee's option, may elect to be treated by a duly

qualified local physician or hospital of his or her choice.

13. Will a claim for compensation benefits be jeopardized if an employee obtains treatment without authorization or changes physicians after an authorization has been made?

The employee's claim for compensation is not jeopardized under these circumstances. The employee may have to bear the cost of such treatment if the OWCP has not authorized it.

14. If an employee has paid medical expenses for authorized treatment or medication for an on-the-job injury, can he/she obtain reimbursements?

The employee may obtain reimbursement by submitting itemized receipted bills to the OWCP.

15. May an employee be paid for transportation expenses in securing medical treatment for a work injury?

An employee will be reimbursed for reasonable transportation expenses incurred in obtaining medical treatment. Claim should be submitted on Form SF-1012 which may be secured from the employing agency or the OWCP.

16. What is meant by the term "duly qualified local physician"?

The term includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners. However, reimbursable services of a chiropractor are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist. The term does not include medical care rendered by any other than the type of practitioners listed above. The word "local" generally means within 25 miles from the place of injury, the employing agency, or the employee's home.

17. Will an employee's Health Benefit Plan pay medical expenses resulting from work-related injury or disease?

Health Benefit Plans have an exclusion clause regarding workers' compensation injuries, and the Plan will not pay medical expenses if the insurance carrier is aware that a workers' compensation injury is involved.

18. Will the OWCP pay for emergency medical treatment even though prior authorization has not been obtained?

Yes. The employee may claim reimbursement by submitting a receipted, itemized bill and explaining the need for emergency care.

19. May an employee change physicians if dissatisfied with the medical care he or she is receiving?

The employee may contact the OWCP and request authorization for treatment from another physician. The employee should explain the reasons for the request. The request will be considered and the OWCP will advise whether a change may be made.

20. Will the OWCP authorize medical treatment for recurrence of an injury-related disability which initially occurred several years ago?

If the proper reports were completed at the time of the original injury, and it is established by medical and factual evidence that the recurrent disability is related to the accepted injury, an employee would be entitled to medical treatment for the recurrence. To eliminate the possibility of the employee having to pay for such treatment, authorization should first be obtained from the OWCP.

21. Does an injured employee have to report for medical examinations when directed?

Yes. The employee is required to submit to examination by a physician approved by the OWCP as frequently as is reasonably required. Failure to do so without adequate reason may result in suspension of compensation.

22. Will the OWCP pay for private nurses necessary as a result of an on-the-job injury?

Yes. The OWCP provides for services, medicine, and supplies prescribed or recommended by qualified physicians. This includes the services of private nurses, if required.

23. Does the FECA provide for any appliances, supplies, or prostheses required because of a work injury?

Yes. If the disability is so severe as to require the services of an attending physician will be provided, if likely to cure, give relief or reduce the degree or period of disability. (Also see numbers 1 and 2)

24. Will the OWCP pay for the services of an attendant if the employee requires assistance in caring for personal needs, such as feeding, dressing, bathing, etc.?

Yes. If the disability is so severe as to require the services of an attendant (to feed, dress, and care for personal needs) an allowance not to exceed \$500 per month may be authorized for such services.

25. Can a member of the family qualify as an attendant and thus receive the attendant's allowance?

If a member of the family gives up a job or is prevented from securing employment to care for the employee, the family member may qualify for the attendant's allowance.

26. Will an employee continue to receive an allowance for an attendant while hospitalized?

No. The attendant's allowance is not payable while an employee is hospitalized, since all personal needs are provided by the hospital staff.

27. Is an employee considered to be in performance of duty for compensation purposes 24 hours a day while on travel status?

An employee in travel status is generally covered 24 hours per day for any reasonable incident of such status.

28. Is an employee covered by compensation if injured while going to and from work?

Generally speaking, employees are not covered by compensation for

injuries sustained while going to and from work before they reach or after they have left Government premises. There are, however, exceptions to the general rule such as when an employee who is serving as a Federal juror sustains injury while going to or from the place where such jury service is to be performed or when an employee uses his or her automobile with the approval of the employing agency to perform the work. If an employee believes his or her injury is an exception, claim should be filed with the OWCP.

29. Is an employee entitled to compensation benefits if injured while on coffee break?

Generally speaking, if an employee is on Government premises and is injured, there is an entitlement to compensation benefits—if not on Government premises during the coffee break, complete information regarding the absence will have to be obtained before a determination can be made.

30. Is an employee covered by compensation if injured while at lunch?

If the employee is on Government premises during lunch, there will be coverage. Ordinarily, the employee will not be entitled to compensation benefits while off the premises during lunch period. However, a refuge manager who takes lunch while on the refuge would be covered if an injury is sustained under those circumstances.

31. What must an employee do to receive benefits when injured at work?

An employee injured at work should do the following:

- (a) Report the injury immediately to the supervisor and obtain first aid as directed;
- (b) If further medical treatment is needed, obtain an authorization from the supervisor for treatment by a physician or hospital of the employee's choice. The supervisor should first telephone to see if the physician is willing to render treatment. If the physician is unavailable, the employee still has an initial choice and should therefore select another physician;
- (c) Complete a written report (or someone else may complete the report on the employee's behalf) and submit it to the supervisor. If the employee sustained a traumatic injury, Form CA-1 should be submitted within two working days. In nontraumatic cases, Form CA-2 should be submitted within 30 days. These may be obtained from the employing agency or from the OWCP.

32. What form should be used to claim benefits for loss of pay when an employee has sustained a disabling traumatic injury?

In case of traumatic injury, form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" should be used.

33. Is the employing agency required to continue pay in all cases of disabling traumatic injury?

Unless the employing agency contests the claim on one of the

bases listed below, the injured employee is entitled to continuation of pay (COP) for up to 45 days of disability. The employing agency must continue the employee's pay unless the objection is based on one of the following:

- (a) The disability is a result of an occupational disease or illness; or
- (b) The employee falls within the exclusions of 5 U.S.C. 8101(1) (B) or (E); *
- (c) The employee is neither a citizen nor resident of the United States or Canada (i.e., a foreign national employed outside of the United States or Canada); or
- (d) The injury occurred off the employing agency's premises and the employee was not involved in official "off premises" duties; or
- (e) The injury was caused by the employee's willful misconduct; the employee intended to bring about the injury or death of himself/herself or another person; or the employee's intoxication was the proximate cause of the injury; or
- (f) The injury was not reported on Form CA-1, within 30 days following the injury; or
- (g) Work stoppage first occurred 6 months or more following the injury; or
- (h) The employee initially reports the injury after his or her employment has terminated; or
- (i) The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work Study Programs or other similar groups.

The employing agency may controvert, but they must continue the employee's pay in all circumstances except those described above. If the disability continues beyond 45 days, the employee should complete Form CA-7, Claim for Compensation on Account of Traumatic Injury, in order to claim compensation beyond the 45-day period. Note: If the OWCP subsequently rules in favor of the claimant in Items (d), (e), and (f) above, the employing agency will be required to pay continuation of pay up to 45 days of disability.

34. What is the definition of "Traumatic Injury"?

A traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and member or function of the body affected; and be caused by a specific event

* Persons whose employment status for compensation purposes is determined under 5 U.S.C. 8101(1) (B), are excluded for continuation of pay for the 45-day period. Such persons render personal service to the United States similar to civil officers and employees of the United States, but they work without pay or for nominal pay. These persons generally are not carried in a regular, continuing pay status and they frequently serve as consultants, volunteers, or contract employees. Persons appointed to a position on the office staff of a former President are considered to be employees; however, they are specifically excluded from continuation of pay for the 45-day period.

or incident or series of events or incidents within a single day or work shift.

Traumatic injuries are distinguished from occupational disease or illness in that the latter are produced by systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes, etc., or other continued and repeated exposure to conditions of the work environment over a long period of time.

Traumatic injuries also include damage or destruction to prosthetic devices or appliances, exclusive of eyeglasses and hearing aids unless the eyeglasses and hearing aids were damaged incidental to a personal injury requiring medical services.

35. Could exposure to toxic fumes at one specific time during an employee's work shift that results in the employee's illness be considered a traumatic injury?

Yes, if the exposure occurs on one day or one shift. Exposure continuing beyond one day or one shift would be an occupational illness.

36. An employee who works outdoors may be exposed to poison oak, poison ivy, etc., bee stings, and other insect bites. Are these considered traumatic?

Yes. If the injury (exposure or bite) is the result of one day's exposure. If the exposure continues beyond one day or one shift it would be an occupational illness.

37. Can the employing agency require the employee to use annual or sick leave during the 45-day period pending OWCP's adjudication of a traumatic injury?

No, unless contested under circumstances described in answer to question #33, above.

38. If an employee elects to use sick and/or annual leave instead of COP does the 45-day continuation of pay period start after the leave expires?

No. The employee may use leave or receive COP following the injury; however, the 45-day period commences on the first full day or first full shift on which the disability begins. (See Civil Service Commission Federal Personnel Manual.)

39. If the Duty Status Report, Form CA-17, indicates an employee can return to light duty before expiration of the 45-day period, is this sufficient to justify termination of COP?

No. Since the employee is unable to return to the usual position, COP should continue until the OWCP determines whether it should be terminated. If no light duty work is available, OWCP should be notified.

40. What form should be used to claim compensation for loss of pay if the employee sustained a nontraumatic injury?

Form CA-4, Claim for Compensation on Account of Injury or Occupational Disease, is the official form used to claim compensation for loss of pay or a schedule award based on permanent loss or loss

of use of a member, function, or certain important external and internal organs of the body.

41. Does an employee need an attorney or other representative in order to file a claim for compensation?

This is not necessary. If desired, however, the employee may obtain the services of an attorney or other person for representation. If representation is obtained, the employee should not pay any fee for services in connection with the claim until the amount of fee has been approved by the OWCP.

42. Is there a time limit for filing a notice of injury and claim for compensation?

Yes. The supervisor should have actual knowledge of the injury or the employee should file written notice or claim within 30 days following the injury. However, a written claim will meet the time requirements if filed within 3 years from the date of injury.

43. Is there a maximum period of time during which an employee can receive compensation for wage loss?

No. An employee can receive compensation as long as the medical evidence indicates total or partial disability and the employee suffers wage loss due to the injury.

44. Does the employing agency have the authority to make determinations as to whether a claim is approved or disallowed?

No. Only the OWCP has the authority to adjudicate a claim for compensation.

45. If an employee qualifies for disability retirement under the Civil Service Retirement Act, does this automatically mean that the employee is qualified to receive compensation benefits?

No. To be eligible for compensation benefits, it must be established that an employee is disabled for his/her regular work as the result of job-related disability. The Civil Service Commission will consider disability whether job-related or not.

46. Are only regular, full-time employees eligible for compensation benefits?

No. Compensation coverage is extended regardless of the length of time on the job or the type of position held.

47. May an employee receive compensation payments while on sick or annual leave?

No. An employee must be in a leave-without-pay status before compensation is payable for wage loss.

48. Does an employee have to use any or all of accumulated sick or annual leave before compensation may be paid?

No. The injured employee has a choice of using sick or annual leave or going on leave-without-pay and claiming compensation. It is the injured employee who makes the decision.

49. When do compensation payments begin?

In a traumatic injury, compensation for loss of wages is payable

after a 3-day waiting period following expiration of the 45 days of continuation of pay. In a nontraumatic injury case, compensation for loss of wages is payable after an initial 3-day waiting period. In either event, no waiting period is required when there is a permanent disability, or where the disability causing wage loss exceeds 14 days from the time compensation begins.

50. May an employee use sick leave or annual leave to satisfy the 3-day waiting period?

No. The 3-day waiting period may not be satisfied by using sick or annual leave. The employee must be in a nonpay status. Any day or fractional part of a day in which pay loss occurs can be counted as a waiting day. Saturdays, Sundays, and holidays not falling within a period of leave may also be counted as waiting days.

51. If an employee uses sick or annual leave due to an on-the-job injury, is there any method by which the leave can be restored and compensation can be paid instead?

Yes. This is called the "buy back" procedure. An employee may make arrangements with the employing agency to convert the period to leave-without-pay for the purpose of receiving compensation. The employee must refund to the agency the amount of leave paid for the period involved. After this refund is made, the employer will change the leave record to leave-without-pay and the employee will then be paid appropriate compensation. If the employee cannot refund the entire amount, the OWCP upon the employee's authorization, can pay the compensation to the employer (this is done after the records have been changed by the employer to show leave-without-pay for the period). The employee will then only have to refund the difference between the amount paid to him or her by the employer for the leave and the amount of compensation paid to the employer by the OWCP.

52. How are disability compensation payments computed?

Compensation generally is payable at two thirds of the employee's pay rate if there are no dependents, or three fourths of the salary if there are one or more dependents.

53. Are there any deductions made from "continuation of pay" or from compensation?

Continuation of pay is not compensation and therefore is subject to all appropriate deductions. However, there are only two regular deductions from compensation; one for the employee's premium share of health benefit plan, the other for optional life insurance, if enrolled.

54. Are deductions made from compensation for basic Government life insurance?

No. An injured employee will continue to be protected by basic Government life insurance coverage, without cost, as long as OWCP benefits are being paid and the employee is unable to resume usual

employment due to the injury. Premiums for optional life insurance, however, are deducted.

55. Is there any limit on the total amount of compensation payable?

No. There is no limitation on the total amount of compensation payable in any case. However, the maximum payment per month cannot exceed three fourths of the highest rate of basic pay provided for Grade GS-15 of the General Schedule.

56. Are night differential, hazard, premium, holiday, and Sunday pay included in the pay rate used for compensation computations?

Yes. All are included in determining the pay rate on which compensation is based.

57. Is overtime pay included when determining the pay rate for compensation purposes?

No. Overtime pay is excluded by law and cannot be part of the pay rate for compensation purposes.

58. If, while an employee is receiving compensation, he/she is entitled to an increase in salary (due to an in-grade increase or promotion), will his/her compensation reflect the increase?

Salary increases effective during a period in which compensation is being paid will not increase the amount of compensation.

59. Is the amount of compensation increased as the cost-of-living rises?

Yes. In general, if a claimant has been receiving compensation for more than a year, the law provides for increases based upon the rise in the cost-of-living.

60. Who may qualify as a dependent, to entitle an employee to compensation at the three-fourths ($\frac{3}{4}$)?

The term "dependent" includes a wife or husband, unmarried children under 18 years of age, or a wholly dependent parent. Children under 23 years of age who are unmarried and are full-time students may also qualify if they have not completed 4 years of schooling beyond the high school level.

61. Is the augment three-fourths ($\frac{3}{4}$) compensation rate applicable to an employee who is divorced and pays child support?

Yes, provided the employee has been making regular contributions to the support of the child prior to the injury, or has been ordered by a court to make such contributions.

62. If a female employee is injured, is she entitled to compensation at the three fourths rate?

Yes, provided she has one or more children and her children are unmarried, under the age of 18 and living in her household. She is also qualified if the children are over age 18, provided they are full-time students, unmarried, under age 23, and have not completed 4 years of education beyond high school. A husband or a wholly dependent parent may also qualify her to receive compensation at the three-fourths ($\frac{3}{4}$) rate.

63. Are step-children and adopted children considered dependents for

compensation purposes?

Yes. Step-children and adopted children are considered dependents and they entitle an employee to receive compensation at the three-fourths ($\frac{3}{4}$) rate.

64. Are there any burial expenses payable if an employee dies as the result of a work injury?

Yes. Burial expenses up to \$800 are payable. If the Veterans Administration also pays a burial allowance, the VA allowance must be deducted. Also, whether or not any funeral or burial expenses were paid, the personal representative of a deceased Federal employee may also be entitled to the sum of \$200 for reimbursement of the cost of termination of the decedent's status as an employee of the United States.

65. Will an employee's spouse be entitled to any benefits if he or she dies as the result of an employment-related injury or disease?

Yes. If there are no children, an employee's spouse will receive monthly compensation at the rate of 45 percent of the decedent's provided they were living together at the time of death. Monthly compensation continues until death, or remarriage before reaching age 60, for either the surviving husband or wife.

66. Will both the spouse and children be entitled to compensation benefits if an employee dies as the result of an employment related injury or disease?

Yes. If there are children, a surviving husband or wife will receive monthly compensation at the rate of 45 percent of the decedent's salary. He or she will receive an additional 15 percent for each child up to a total of 75 percent of the salary. Total monthly compensation for all dependents cannot exceed 75 percent of the monthly salary.

67. If there is no surviving widow or widower, what is the compensation rate for the children?

Compensation for the first child is 40 percent of the employee's monthly salary; 15 percent is paid for each additional child up to the maximum of 75 percent. The money is to be divided equally among all the children.

68. Is a widow or widower's compensation terminated upon remarriage? If the remarriage occurs at age 60 or later, compensation will continue. If the remarriage occurs prior to age 60, compensation terminates and the surviving spouse is paid a lump sum equal to 24 times his or her monthly compensation rate.

69. For how long will children be entitled to compensation benefits?

Compensation for a child ceases when the child marries or reaches age 18. If a student, or incapable of self-support because of physical or mental disability, compensation on behalf of the child may continue beyond age 18.

70. Is there any provision for payment of education expenses if a child

continues as a student after reaching age 18?

Yes. Compensation for a child may continue after age 18 provided the child is a full-time student, unmarried, under age 23, and has not completed 4 years of education beyond high school.

71. In addition to the surviving spouse and children what other dependents are entitled to death compensation benefits?

Compensation may be paid on behalf of dependent parents, grandparents, brothers, sisters, and grandchildren.

72. If, as a result of an on-the-job injury, an employee returns to work at a lower rate of pay, is he or she entitled to compensation?

Yes. The employee may receive compensation for the loss of earning capacity resulting from the injury. The compensation rate is two thirds of the loss of earning capacity if there are no dependents; or three fourths of the loss if the employee has one or more dependents.

73. How is the wage-earning capacity of a partially disabled employee determined?

The employee's actual earnings, if any, are studied to see if they fairly and reasonably represent the individual's wage-earning capacity. If they do not, or if the employee has no actual earning, the OWCP must determine such earning capacity taking into consideration the nature of the injury, the degree of physical impairment, the employee's age, employment qualifications, the availability of suitable employment, and any other factors or circumstances in the employee's case which may affect the capacity to earn wages in his disabled condition.

74. If, after returning to work, an employee must again stop work to seek medical care, can the individual receive compensation for any loss of wages suffered?

Yes. Compensation is payable for wage loss sustained while obtaining medical care.

75. If an employee suffers a permanent injury which prevents a return to usual work, does the OWCP assist in obtaining reemployment?

Yes. The OWCP can arrange for vocational rehabilitation services in such cases. These services are provided through the facilities of State vocational agencies participating in the Federal vocational program. A maintenance allowance up to \$200 a month may be paid where necessary while the claimant is undertaking an approved course of training. A claimant undergoing an OWCP approved vocational training program will receive total compensation until the completion of the program. If the claimant is drawing less than total compensation and in an approved vocational program, total compensation will be restored.

76. Where does a claimant send an inquiry concerning rehabilitation training?

Questions concerning rehabilitation should be directed to the attention of the Rehabilitation Specialist in the OWCP District Office

servicing the injured employee's claim.

77. Does an injured employee have Civil Service Retention rights when injured on the job?

Yes. The provisions of 5 U.S.C. 8151, administered by the U.S. Civil Service Commission, assures Federal employees, including those of the U.S. Postal Service, who are injured on the job and who have received, or are receiving compensation, that upon their return to Federal employment they will incur no loss of benefits which they would have received but for the injury (or disease). It also permits an injured employee to return to his/her former or equivalent position if recovery occurs within 1 year from the date compensation begins or 1 year from recurrence of that same injury. For those employees whose disability extends beyond 1 year, the employing agency or department is to grant priority in employment to the injured worker, provided application for reappointment is made within 30 days of the date of cessation of compensation.

78. Is an employee obligated to seek work after total disability ceases and he or she is left with a permanent partial disability?

Yes. The act provides that the employee must seek suitable work. If the individual refuses to do so, or if the employee refuses or neglects to work after such work is offered or found for him or her, the employee is not entitled to compensation.

79. If as the result of employment, an employee suffers permanent loss or loss of use of a member, function, or organ of the body such as an arm, foot, lung, loss of vision or hearing, is the employee entitled to compensation for impairment, in addition to compensation for wage loss?

The compensation law provides a schedule of payments for the loss or loss of use of specified members and functions of the body. In addition the law also provides an award for permanent loss or loss of use of other specified important external or internal organs of the body. A list of scheduled awards is shown below in number 84.

80. May scheduled award payments be made while an employee is working?

If an employee is entitled to a scheduled award, the payments are made regardless of whether the employee returns to work. Payment is made for a specified number of weeks even though the individual returns to regular work at full pay. Scheduled awards may also be paid while an employee is receiving sick or annual leave pay, working for private industry, is self-employed, or is drawing Civil Service Retirement Benefits.

81. May a scheduled award be paid on the basis of permanent disability of the brain, heart, or back?

No. These parts of the body are not listed in the scheduled award provisions of the FECA. Compensation is payable for such permanent disability if it results in a loss of wage-earning capacity.

82. Does a loss of hearing qualify an employee for a scheduled award?
If it is established that the hearing loss was caused by factors of employment, an employee would be entitled to a scheduled award for such loss.

83. What happens if an employee suffers a disfigurement as a result of a work injury?

The FECA provides for payment of an award for any serious disfigurement of the head, face, or neck, which is likely to handicap an individual in securing or maintaining employment. Compensation for disfigurement cannot exceed \$3,500.

84. Specifically, what is the schedule of payments for permanent disability of the various extremities, organs, body functions, and disfigurement?

Schedule benefits are awards for permanent impairment of certain members or functions of the body, including certain internal and external organs. The following table shows the number of weeks of compensation payable in the event an employee suffers the permanent loss of or loss of use of specified body members. Payments are made at the total weekly compensation rate and are in addition to any payments for periods of temporary disability.

<i>Anatomical Member</i>	<i>Weeks of Compensation</i>
Arm	312
Leg	288
Hand	244
Foot	205
Eye	160
Thumb	75
First Finger	46
Great Toe	38
Second Finger	30
Third Finger	25
Toe (other than great toe)	16
Fourth Finger	15
Complete loss of hearing (one ear)	52
Complete loss of hearing (both ears)	200
Breast	52
Kidney	156
Larynx	160
Lung	156
Penis	205
Testicle	52
Tongue	160

Disfigurement—Proper and equitable compensation not to exceed \$3,500 as determined by the OWCP in addition to any other compensation payable under this schedule, is authorized for serious disfigurement of the face, head, or neck, if it is of a character likely to

handicap a person in securing or maintaining employment.

Eye or hearing—The degree of loss of vision or hearing under this schedule is determined without regard to correction.

Where injury related loss of earning capacity persists after scheduled payments are completed, compensation may then be continued for loss of earning capacity.

85. If an employee is seriously injured at work and must terminate all employment, should he or she claim workers' compensation or apply for Civil Service retirement benefits?

The employee may immediately make application for both benefits to ascertain the amount of entitlement under each law. If entitled to both, the individual may then elect whichever benefit is more advantageous.

86. Must an employee elect between Civil Service retirement and all monetary benefits payable under the FECA?

A scheduled award is payable for the same period as Civil Service retirement benefits but it is the only monetary compensation payable under the FECA concurrently with a retirement annuity. An employee must make an election between annuity and compensation benefits in all other instances.

87. If an employee elects Civil Service retirement benefits, must he or she pay for medical treatment which may be required as a result of the job-related injury?

The cost of all medical treatment required for the effects of the injury may be paid for by the OWCP even though the employee elects Civil Service retirement benefits.

88. May an employee obtain vocational rehabilitation under the FECA while receiving Civil Service retirement benefits?

No. An employee is entitled to vocational rehabilitation under the FECA only if (a) the employee sustained a permanent job-related disability which has resulted in an employment handicap for usual work and, (b) the employee is receiving compensation from the OWCP.

89. Is an award for a service-connected disability from the VA payable concurrently with FECA compensation?

If the employee suffers a service-connected disability and subsequently, as a result of Federal civilian employment, injures a different part of the body, the employee may receive both benefits at the same time. However, if there is a reinjury to the same member of the body for which the employee receives VA service-connected benefits and the VA increases such benefits, the employee will be required to make an appropriate election.

90. May dependents receive a nonservice connected award (pension) from the VA concurrently with compensation from the OWCP if an employee dies due to a work-related injury?

Yes. Pension is the only form of VA benefits which dependents may

receive concurrently with FECA compensation benefits. An election is necessary between compensation and all other types of VA benefits, if benefits payable by both agencies are based on the same disability or death.

91. May children receive educational benefits under the FECA concurrently with VA educational benefits?

No. If children are entitled to both VA and FECA educational benefits, an election will have to be made; they cannot receive both benefits concurrently.

92. Is retirement or retainer pay for military services payable concurrently with FECA compensation?

Yes. For all periods of compensation entitlement beginning September 7, 1974, both benefits are payable concurrently.

93. Are FECA benefits payable concurrently with Social Security benefits?

There is no prohibition under the FECA against payment of concurrent benefits; however, the Social Security Administration may, in certain instances, reduce its payments. The Social Security Administration should be contacted regarding its procedures in this matter.

94. Are the proceeds of a disability or death insurance policy payable concurrently with FECA compensation?

Yes. Concurrent receipt of compensation benefits and private insurance benefits for disability or death is not prohibited under the FECA.

95. Is an employee entitled to compensation if the job-related injuries are caused by some party other than the United States?

Yes, but when an injury is sustained under such circumstances the claimant may be required to prosecute a claim against the third party or to assign the cause of action to the United States. An employee (or the beneficiary, in the event of death) who refuses to make such assignment or prosecute a claim against a third party as directed, loses the right to compensation.

96. Is an employee permitted to make a personal settlement of his/her third party claim?

Yes. The employee may engage an attorney or may present a claim directly to the responsible party or insurance company. Since the Federal Government is entitled to reimbursement for compensation payments and medical expense, the OWCP should be kept informed of all developments and recoveries in connection with a third party action. The OWCP will provide specific instruction to assist the claimant in determining the value of the claim and the disbursements required by law. No court, insurer, attorney, or other person shall pay or distribute to the beneficiary or his/her designee the proceeds of such settlement without first satisfying or assuring satisfaction of the interest of the United States.

97. How is money or property distributed following a third party recovery?

The FECA specifies how the third party recovery shall be distrib-

uted. First, the costs of the settlement including a reasonable attorney's fee, if a fee was paid, is deducted from the total sum recovered as damages. The injured employee retains one-fifth of the net. From the remaining four-fifths, a refund must be made to the compensation fund for the cost of all compensation benefits (including continuation of pay and medical expenses) paid on account of the injury, less an amount equivalent to a reasonable attorney's fee proportionate to the refund made to the United States. The surplus remaining, if any, is turned over to the injured employee and is set up as a credit against future compensation benefits on account of the same injury.

98. If an employee or the survivors disagree with a final determination of the OWCP, what recourse is available?

The claimant may: (a) submit new evidence to the OWCP and ask for reconsideration of the decision, or (b) request a hearing before a representative of the OWCP, or (c) appeal to the Employees' Compensation Appeals Board, U.S. Department of Labor, for review of the decision.

99. If a claimant requests a hearing before the OWCP, will the Hearing Examiner consider new evidence?

Yes. The Hearing Examiner will consider any new evidence a claimant may submit in support of the claim.

100. Is there a time limit for requesting a hearing?

Yes. It should be requested within 30 days following a formal decision by the OWCP.

101. What if the claimant disagrees with the Hearing Examiner's decision? Is there any further action that can be taken?

Yes. The claimant may appeal the Hearing Examiner's decision to the Employees' Compensation Appeals Board. This review is limited to the evidence of record, that is, to all written evidence contained in the employee's file.

102. Is the Employees' Compensation Appeals Board a division of the OWCP?

No. The Board is a separate entity in the U.S. Department of Labor which is authorized to hear and make final decisions on appeals from final determinations made by the OWCP.

103. Is there a time limit for requesting a review by the Employees' Compensation Appeals Board?

Yes. An employee should file an appeal within 90 days after a formal decision by the OWCP. The Board can extend this limitation up to a year for good cause.

104. If a claimant disagrees with the decision of the OWCP, the Hearing Examiner or the Employees' Compensation Appeals Board, may review be obtained through a State or Federal court system?

An employee's exclusive remedy lies within the FECA. Only the Employees' Compensation Appeals Board has authority to consider

and decide appeals from final decisions made by the OWCP.

105. May an attorney represent a claimant before the Employees' Compensation Appeals Board?

Yes, a claimant may be represented by an attorney or by any other person duly authorized by the claimant. The Appeals Board must approve any fee for such representation.

106. Who approves the amount of the fee charged for representing a claimant before the OWCP?

The OWCP will approve a fee based on an itemized statement submitted by the representative showing the necessary work done. A contract between the claimant and the legal representative for the payment of an agreed sum or a sum based on a contingent contract will not be recognized.

107. Will the OWCP pay the cost of legal services in the event the claimant obtains representation?

No. The OWCP can neither direct the payment of nor assist in the collection of legal fees. This is a matter between the claimant and the attorney.

108. If an employee sustains a job-related injury and also suffers damage to personal property, such as clothing, can the employee be paid for such loss?

There is no provision for reimbursement for loss of personal property under the FECA. The employee may claim reimbursement for noncovered personal property from his or her employing agency under the Military and Civilian Personal Property Act of 1964, 31 U.S.C. 240.

109. Are compensation payments subject to claims by creditors?

The FECA specifically provides that assignment of a claim for compensation is void and all compensation payments are exempt from the claims of creditors.

Disability compensation payments are, however, subject to garnishment for alimony and child support payments *if* the legal process is served in accordance with State law and workers compensation is garnishable for those purposes under the law of the State wherein the process is issued.

110. How much does compensation coverage cost a Federal employee?

No salary deductions are made for compensation coverage under the FECA. Coverage is extended if the person qualifies as an employee of the Federal Government, and the injury falls within the purview of the act.

111. What is the penalty for filing a false claim?

The law (18 U.S.C. 1920) provides: "Whoever makes, in an affidavit or report required by section 8106 of title 5 or in a claim for compensation under subchapter I of chapter 81 of title 5, a statement, knowing it to be false, is guilty of perjury and shall be fined

not more than \$2,000 or imprisoned not more than one year, or both."

112. What recourse does an employee have if the supervisor refuses to accept a notice of injury or claim for compensation?

The OWCP should be notified of such refusal. The law also provides in 18 U.S.C. 1922 that: "Whoever, being an officer or employee of the United States charged with the responsibility for making the reports of the immediate superior specified by section 8120 of title 5, willfully fails, neglects, or refuses to make any of the reports, or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under subchapter I of chapter 81 of title 5 or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under that subchapter or any extension or application thereof, or regulations prescribed thereunder, shall be fined not more than \$500 or imprisoned not more than one year, or both."



